



January 13, 2022

Hon. Alison J. Nathan
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. James Toner*, 21-Cr-761 (AJN)

Dear Judge Nathan:

Today, before Magistrate Judge Moses, James Toner entered a plea of guilty to a one count indictment charging him with Failure to Surrender in violation of 18 U.S.C. § 3146(a)(2). The government estimates that Mr. Toner's guideline range is 8-14 months. I believe there are extenuating circumstances in this case that may persuade the Court to impose a sentence below the applicable guideline range. Mr. Toner has been detained since early November.

Because Mr. Toner faces a relatively low sentencing range, I respectfully urge the Court to order an expedited pre-sentence report. I have consulted with the Probation Department, which did not express concerns about complying with such an order, especially in light of the fact that a PSR was produced about Mr. Toner in his underlying case less than three years ago. Similarly, the government does not object.

Thank you for your consideration.

The Court GRANTS Defendant's unopposed request. The Court will order the production of the presentence investigation report on an expedited basis.

SO ORDERED.

Respectfully submitted,

/s/

Florian Miedel
Attorney for James Toner

 1/13/2022

cc: AUSA Olga Zverovich